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December 27, 2012

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Notice of Ex Parte Communications, Telecommunications Relay Service and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 03-123

Dear Ms. Dortch:

On December 21, 2012, Claude Stout, Executive Director, Telecommunications for the Deaf and Hard of Hearing, Inc. ("TDI"), Stephanie Buell, Board Member of TDI, Cheryl Heppner, Association of Late-Deafened Adults, Inc. ("ALDA"), and Lise Hamlin, Director, Public Policy Advocacy, Hearing Loss Association of America ("HLAA") (together, the "Consumer Groups") along with the undersigned of Bingham McCutchen LLP met via teleconference with Zachary Katz, Chief of Staff to Chairman Genachowski, Elizabeth Andron, Legal Advisor to Chairman Genachowski, Suzanne Tetreault, Deputy General Counsel of the Office of General Counsel, Kris Monteith, Acting Chief of the Consumer and Governmental Affairs Bureau, Karen Peltz Strauss, Deputy Chief of the Consumer and Governmental Affairs Bureau, Robert Aldrich, Legal Advisor to the Bureau Chief of the Consumer and Governmental Affairs Bureau, Gregory Hlibok, Chief of the Disability Rights Division of the Office of the Consumer and Governmental Affairs Bureau, Jonathan Chambers, Acting Chief of the Office of Strategic Planning and Analysis, David Robbins, Managing Director of the Office of Managing Director to discuss the Internet Protocol Captioned Telephone Relay Service ("IP CTS") item currently on circulation.

The discussion was consistent with and generally reiterated the points addressed in the Consumer Groups' *ex parte* letter dated December 21, 2012. *See* Letter from Tamar E. Finn, counsel for TDI, to Marlene H. Dortch, Secretary, FCC, CG Docket No. 03-123, at 1-3 (filed Dec. 21, 2012). This discussion was further supported by the points previously raised in the Consumer Groups' December 19, 2012 *ex parte* letter, HLAA's December 20, 2012 *ex parte* letter, and Gallaudet's December 20, 2012 *ex parte* letter and an illustration that are attached hereto.

During the teleconference, the Consumer Groups emphasized their opposition to the Commission taking action on an interim rule for IP CTS eligibility without notice and comment. In addition, a few other points were discussed that are summarized below.

Consumer Groups suggested that rather than adopt IP CTS eligibility requirements that would impose significant burdens on IP CTS consumers, the FCC should consider

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adopting rules that would apply to IP CTS providers which would require them to educate their IP CTS consumers about how captioned telephone system works and the appropriate use of the service (who is entitled to use the services, and when the captions should be turned off). Consumer Groups explained that providers should bear the responsibility of ensuring the integrity of the IP CTS system; the burden should not be shifted to deaf and hard of hearing consumers by creating new and arbitrary eligibility requirements.

Ms. Hamlin discussed her own hearing loss, how she uses IP CTS, the strengths and certain limitations of IP CTS, and why the 71dB hearing loss eligibility criteria that is in the draft order would disqualify many individuals that are hard of hearing struggle to understand conversation, even when their own hearing has a pure tone average of less than 71 dB. She emphasized that “baby boomers” who would not be eligible for IP CTS under the proposed order but that need the service would be impacted enormously because they may have significant difficulty getting jobs or staying in the workforce without access to IP CTS. Ms. Hamlin stated that imposing eligibility requirements on consumers may result in both age and disability discrimination. She also discussed problems with landline CTS, such as and the need for consumers to have two lines to have captioning on both incoming and outgoing calls, which would be an additional burden to the consumer, or in the workplace

The Consumer Groups explained that the FCC should not impose certification burdens on consumers. As an alternative, Consumer Groups suggested the FCC explore increasing the TRS contribution rates and consider requiring phones’ default be set for captions off with standards for connection time to the captions once activated.

Please contact me should you have any questions.

Respectfully submitted,

/s/ Philip J. Macres

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Counsel for TDI

Attachments

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